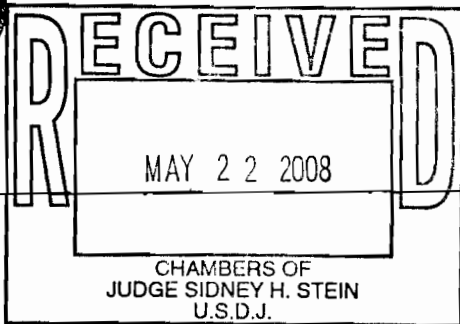


MAY-22-2008 13:37

Received: D&T



U.S. Department of Justice

United States Attorney
Southern District of New YorkUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/22/08The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 22, 2008

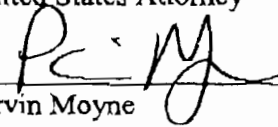
BY FACSIMILEThe Honorable Sidney H. Stein
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Michael A. Smith
07 Cr. 1157 (SHS)

Dear Judge Stein:

The Government writes (with the consent of defense counsel) to respectfully request an adjournment of the conference scheduled for May 23, 2008. As stated at the last conference, the Government is evaluating whether to proceed with its prosecution of the defendant or to submit an application for a *Nolle* to the Court. This decision involves a careful weighing of interests and requires input from several people in the Office. Accordingly, it is taking longer than expected. The Government respectfully requests that tomorrow's conference be adjourned for one week, or such other time as is convenient for the Court. Should the Government reach a decision prior to that time, it will immediately inform the Court and defense counsel.

Respectfully submitted,
MICHAEL J. GARCIA
United States AttorneyBy: 
Parvin Moyne
Assistant United States Attorney
Telephone: (212) 637-2510cc: Hugh Mundy, Esq. (by facsimile)
Jason Lehrman (by facsimile)The conference is adjourned
to 5/20/08, at 3:30 p.m.

SQ ORDERED 5/22/08

SIDNEY H. STEIN
U.S.D.J.

TOTAL P.02